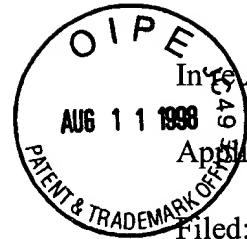


*Sector*  
2921

PATENT  
ATTORNEY DOCKET NO.: 040750-5001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of: H.-J. SuHUANG et al. )  
AUG 11 1998 )  
Application No.: 09/071,541 )  
Filed: May 4, 1998 )

RECEIVED  
AUG 19 1998 PAID  
GROUP 1800

For: METHOD TO MODULATE THE RESISTANCE OF CELLS TO APOPTOSIS  
MEDIATED BY MUTANT EPIDERMAL GROWTH FACTOR RECEPTORS

Assistant Commissioner for Patents  
**BOX MISSING PARTS**  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

1. This replies to the Notice to File Missing parts of Application (PTO-1533) mailed May 21, 1998.

A copy of the Notice To File Missing Parts Of Application-Filing Date Granted (Form PTO-1533) is enclosed.

2. Declaration Or Oath

No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney

The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

[ ] Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

Also enclosed is the Verification of Translation Document

4. Small Entity Statement(s)

[ ] Verified Statement(s) that this is a filing by a small entity  
[ ] is attached

[ ] was filed on \_\_\_\_\_.

RECEIVED  
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GROUP 1800

5. Fee Calculation

|  |              |              | Basic Fee:                  |            |
|--|--------------|--------------|-----------------------------|------------|
|  |              |              | Patent Application-\$790.00 | \$ 790.00  |
|  |              |              | Design Application-\$330.00 |            |
|  | Number Filed | Number Extra | at a Rate of                |            |
| Total Claims   | 19 - 20 =    | -0-          | \$22.00 each =              | +          |
| Independent Claims   | 3 - 3 =      | -0-          | \$82.00 each =              | +          |
| Multiple dependent claim(s), if any  |              |              | \$270.00                    | + 270.00   |
| Missing Parts Surcharge Fee  |              |              | \$130.00                    | + 130.00   |
| SUB-TOTAL =  |              |              |                             | \$1,190.00 |
| Reduction by 1/2 for filing by a small entity  |              |              |                             | - \$       |
| SUB-TOTAL =  |              |              |                             |            |
| Fee For Application Filed With A Non-English Specification (37 CFR 1.17(k) and 1.52(d) |              |              |                             | +          |
|  |              |              | \$130.00                    |            |
| Fee For Processing and retention of application (37 CFR 1.21(l) and 1.53(d)            |              |              |                             | +          |
|  |              |              | \$130.00                    |            |
| TOTAL FILING FEE =   |              |              |                             | \$1,190.00 |

6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

| <u>Total months requested</u> | <u>Fee for extension</u> | <u>[fee for Small Entity]</u> |
|-------------------------------|--------------------------|-------------------------------|
| [X] one month                 | \$ 110.00                | \$ 55.00                      |
| [ ] two months                | \$ 400.00                | \$200.00                      |
| [ ] three months              | \$ 950.00                | \$475.00                      |
| [ ] four months               | \$1,510.00               | \$755.00                      |

Extension of time fee due with this request: \$110.00

If an additional extension of time is required, please consider this a Petition therefor.

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

7. Fee Payment

The total fee due is: Completion Fees \$1,190.00  
Extension Fees \$ 110.00

Total Fee Due \$1,300.00

Enclosed is a check in the amount of \$1,190.00 representing the filing fee of \$790.00, Multiple dependent claims fee of \$270.00 and Missing Parts surcharge of \$130.00. Also, enclosed is a check in the amounts of \$110.00 for Extension of Time fee, and a \$40.00 check for recordation of assignment fee.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

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Application No.: 09/071,541  
Page 4

8. Additional papers enclosed.

Preliminary Amendment  
 Information Disclosure Statement  
 Form PTO-1449  
 Citations  
 Declaration of Biological Deposit  
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

  
Reid G. Adler  
Reg. No. 30,988

Date: August 11, 1998

**MORGAN, LEWIS & BOCKIUS LLP**  
1800 M Street, N.W.  
Washington, D.C. 20036  
(202) 467-7000



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

|                    |                     |                       |                           |
|--------------------|---------------------|-----------------------|---------------------------|
| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
| 09/071,541         | 05/04/98            | HUANG                 | H 040750-5001             |

MORGAN LEWIS & BOCKIUS  
1800 M STREET NW  
WASHINGTON DC 20036-5869

0242/0521

NOT ASSIGNED

1614

DATE MAILED:

05/21/98

**NOTICE TO FILE MISSING PARTS OF APPLICATION**

***Filing Date Granted***

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of  \$65.00 for a small entity in compliance with 37 CFR 1.27, or  \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

*If all required items on this form are filed within the period set above, the total amount owed by applicant as a*  
 *small entity (statement filed)*  *non-small entity is \$*

The statutory basic filing fee is:

missing.

insufficient.

*Applicant must submit \$ 790.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*

Additional claim fees of \$ 270.00, including any multiple dependent claim fees, are required.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ \_\_\_\_\_ for \_\_\_\_\_ dependent claims over 20.

\$ 270.00 for multiple dependent claim surcharge.

*Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.*

3. The oath or declaration:

is missing or unexecuted.  
 does not cover the newly submitted items.  
 does not identify the application to which it applies.  
 does not include the city and state or foreign country of applicant's residence.

*An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.*

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42.

08/14/1998 142-1114-147

*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above.*

01 FC:101 Application Number and Filing Date, is required.

02 FC:184 The signature of the following inventor(s) is missing from the oath or declaration:

130.00 00

03 FC:105

*An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.*

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

08/14/1998 The application does not comply with the Sequence Rules.

*See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."*

01 FC:115 OTHER

Direct the reply and any questions about this notice to "Attention: Box Missing Parts".

*A copy of this notice MUST be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE